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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,073	08/26/1999	WATARU ISHISAKI	0671.63110	7351

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EXAMINER	
SAX, STEVEN PAUL	

ART UNIT	PAPER NUMBER
2174	20

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/384,073	ISHISAKI, WATARU	
	Examiner	Art Unit	
	Steven P Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The amendment and RCE filed 3/12/04 have been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) Â patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzzato (6031521) and White et al (5982351) and Mastering Windows 3.1.

4. Regarding claim 1, see Luzzato: the abstract, Figures 3, 5, column 7 lines 5-40. Note the graphical user interface with input monitoring means for location and actuation of an input device. See also column 9 lines 20-40, column 11 lines 10-40 and column 12 lines 15-40 and note how a number of consecutive actuations of the input device in a given time interval, as well as duration time of input events, are ascertained. As a result of this interface windowing events are caused (column 10 lines 1-20), which implicitly includes menuing features. Nevertheless, Luzzato does not specifically show that these

input events determine the selection (and subsequent display) of a menu or region of a menu, but only that they determine a windowing event of some sort. The motivation thus mentioned in Luzzato is to ease the burden of input management and make input operations acted upon more efficiently. Now, see White et al: Figure 4, column 5 lines 8-30. This shows the management, selection, and displaying of menus based on input monitored events. Note again in column 5 lines 7-14 and 33-42 that the motivation for this is to ease the burden of input management and to make input operations (such as a single stroke) acted upon more efficiently. It would have been obvious to a person with ordinary skill in the art to do the menu managment, selection, and display such as in White et al, on the basis of input monitored events such as the consecutive actuations and input event duration as in Luzzato, because it would ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. Neither reference specifically require that the same input device is actuated, but this could be possible especially in Luzzato. But note in Mastering Windows 3.1 pages 21-31 and 868 that when a same cursor key is constantly actuated, different menus or parts of a menu are accessed. When a same cursor is held for a predetermined time, the next (menu or region of menu) is accessed. This is done to ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. It would have been obvious to a person with ordinary skill in the art to have the same input cause the accessibility, because it would ease the burden of input management and make input operations acted upon more efficiently in a graphical user interface system. Furthermore, the Examiner

understands as implicit the capability in a windowing system to 'right click' on a mouse while the cursor is in the desktop, in order to call up an options menu at the location of the cursor. See for example the Microsoft Press Computer Dictionary (3rd Edition 1997) page 412. Thus it is implicit that the menuing access in the combination thus described would also be called up at the location of the cursor.

5. Regarding claim 2, in addition to the aforementioned, note in White et al column 3 lines 9-15 the alert message. This is in response to a user input manipulation, and thus would be the indicator of the input events which thus would cause a menu selection as described above.

6. Regarding claim 3, in addition to the aforementioned, see in Luzzato: Figure 5 and column 9 lines 15-40. The cursor position is determined at each event and if the difference is greater than a threshold, the events are considered not consecutive and the counter (and alert indicator) are not incremented.

7. Regarding claims 4-5, in addition to the aforementioned, note in White et al column 5 lines 17-22 that the display control positions the cursor on a region of the menu.

8. Regarding claims 6-9, these show the same features as claims 2-4 and are rejected for the same reasons. Note that a duration may be defined as the time

between two events. Also, regarding claim 8, note that White et al show a full menu managing system (column 5 lines 13-17).

9. Claims 10-12 show the same features as claims 4-6 and are rejected for the same reasons.

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Please contact Examiner at 703-305-9582. The amendment brings improvements, but there are still some broadness issues which may be clarified by further discussion to fully bring out the invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX
PRIMARY EXAMINER